

REMARKS

Applicants initially note that a Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address was submitted on May 3, 2004, but appears not to have been entered by the Office, as the Office continues to address papers to the previous correspondence address. Applicants submit with this response another copy of the Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address and respectfully request that the Office enter and record the Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address for this application.

Claims 1-43 are pending in the application. However, claims 9-15, 24-30 and 37-43 are withdrawn from consideration. As a result, claims 1-8, 16-23 and 31-36 are at issue.

Applicants respectfully traverse the rejection of claims 1-8, 16-23 and 31-36 (the claims at issue) as anticipated by McCain et al. (U.S. Pat. No. 6,129,449). Each of the claims at issue recites a system having a wireless communication link disposed between one or more field devices and a central control, such as a process controller. McCain et al. does not disclose a wireless communication link that provides communications between a field device and a central control, such as a process controller, and thus, cannot anticipate any of the claims at issue.

While McCain et al. discloses a system having a process controller and one or more handheld computing units which are communicatively connected via a wireless, satellite-based communication link, McCain et al. does not disclose or suggest the use of a wireless communication link between a *field device* and a control unit, as recited by each of the claims at issue. Generally speaking, McCain et al. discloses a communication network having a plurality of infrared-based satellite transceivers and a number of hand-held units that may send data to or receive data from the satellite transceivers. The satellites may be further

connected, via a hard line or a non-satellite infrared communication link, to a process controller. However, none of these elements is a field device. In fact, McCain et al. discloses that the hand held units essentially act as portable computers (not field devices). Thus, while the hand held units may receive information from and transmit information to other process controllers via the satellite communication link, McCain et al. simply fails to disclose a wireless communication link disposed between a field device and a controller. In fact, McCain et al. fails to disclose a field device of any kind, much less a field device having a wireless communication link for communicating between a controller and the field device.

The examiner's reliance on Col. 3, line 62 – Col. 4, line 27 of McCain et al. for the assertion that McCain discloses a wireless communication link with a field device is misplaced, as this passage has nothing to do with, and makes no mention of a field device. Instead, this section of McCain et al. discusses wireless communications between a process controller and a hand held unit. While a process controller may be connected to one or more field devices, a process controller is not itself a field device. In a similar manner, the handheld units are not field devices as they are not disposed within a process plant to perform some process operation. In fact, these handheld devices are mobile devices that can be carried by maintenance and other personnel within the process plant.

Because McCain et al. does not disclose the use of a wireless communication link between a field device and a control unit, as recited by each of the claims at issue, McCain et al. cannot anticipate any of these claims.

Furthermore, McCain et al. does not suggest or provide any motivation for implementing a wireless communication link between a control device and a field device, as recited by each of the claims at issue. Particularly, McCain et al. is concerned with providing a wireless connection to a hand held display device to allow users of the handheld device to

obtain information from the controllers. McCain et al. is not concerned with, and does not deal with a manner of sending data between a field device and a controller or even between a field device and the handheld devices. As a result, McCain et al. does not recognize the problem addressed by the claimed system, i.e., providing communications, such as redundant communications, between a control device and a field device in environments and situations in which a hard-wired communication line to the field device may become irreparable or unusable after installation, and in which the continued operation of the field device is critical. For example, in a nuclear power plant, there may need to be a direct secondary communication link to a field device so that the device may continue to be controlled after a failure of a primary communication line, like a hard-wired communication line. In any event, McCain et al. fails to disclose or suggest using any type of communication between field devices and control devices, much less recognize or suggest that it is desirable or even possible to use a wireless communication link between field devices and controllers within a process environment to, for example, enhance the reliability of communications related to a field device.

It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a *prima facie* case of obviousness. *See, In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). This principle holds true even if the applied art could be modified to produce the invention recited by the pending claims. *See, In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") Because McCain et al. fails to discuss the use of any type of communications between field devices and a control

device, much less suggest that it is desirable or even possible to use a wireless communication link to connect a field device to a control device, it follows that McCain et al. cannot render any of the claims at issue obvious.

Applicants additionally traverse the rejection of claims 3, 4, 18 and 31-36 as anticipated by McCain et al. for the further reason that each of these claims recites that the field devices and/or the wireless links are powered from a network such as a distributed network. Notwithstanding the arguments set forth above, McCain et al. does not disclose that its wireless links or any field devices are powered by a network connection of any type. The examiner's citation to Col. 3, line 62 – Col. 4, line 27 simply does not support this contention. In fact, McCain et al. does not disclose how any of its components are powered, much less that its components are powered via a network connection. It follows, therefore, that McCain et al. cannot anticipate any of claims 3, 4, 18 or 31-36 or render any of these claims obvious for this further reason.

Applicants additionally traverse the rejection of claims 5, 6, 19 and 20 as anticipated by McCain et al. for the further reason that these claims recite a field module or a network bridge connected between the field devices and the controller to, for example, communicate with a plurality of field devices. McCain et al. simply fails to disclose a field module or a network bridge used in conjunction with a wireless link and field devices, and thus, McCain et al. cannot anticipate any of claims 5, 6, 19 and 20 or render any of these claims obvious.

CONCLUSION

For the foregoing reasons, applicants respectfully request reconsideration and withdrawal of the rejections and allowance of claims 1-8, 16-23 and 31-36. If there are matters that can be discussed by telephone to further the prosecution of this application, applicants respectfully request that the examiner call its attorney at the number listed below.

Respectfully submitted,

By:



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